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MIGUEL & BENJAMIN ORTEGA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MIGUEL ORTEGA, BENJAMIN
ORTEGA, A Minor, By And Through His
Guardian Ad Litem, ANA ROSA
ORTEGA,

Plaintiffs,

vs.

CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, CHIEF WAYNE
TUCKER, In His Capacity As The Police

Case No.:C-07-02659 JCS

**UPDATED JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT**

DATE: September 19, 2008
TIME: 9:30 a.m.
COURTROOM: A, 15th Floor

1 Chief Of The City Of Oakland, RAMON J. } The Honorable Magistrate Judge
2 ALCANTAR, Individually And In His } JOSEPH C. SPERO
3 Capacity As A Police Officer For The City }
4 Of Oakland, BERNARD ORTIZ, }
5 Individually And In His Capacity As A }
6 Police Officer For The City Of Oakland,
7 and Does 1 through 200,
8
9 Defendants.

10 The parties to the above-entitled action jointly submit this Updated Joint Case
11 Management Statement and Proposed Order and request the Court adopt it as its Case
12 Management Order in this case.

13 I. DISCOVERY

14 All discovery is completed except for the deposition of Plaintiffs' expert, Roger
15 Clark. The parties agreed to postpone Mr. Clark's deposition until after the Settlement
16 Conference in this case. As the case did not settle, the parties are in the process of
17 scheduling that deposition.

18 II. DISPOSITIVE MOTIONS

19 Defendants City of Oakland, Chief Wayne Tucker, and Sergeant Bernard Ortiz
20 have a Motion for Partial Summary Judgment scheduled for September 19, 2008, the
21 same day as this Case Management Conference. These same defendants also have a
22 Motion to Strike the Ninth Cause of Action scheduled for September 19, 2008.
23 Defendant Ramon Alcantar has joined the Motion to Strike. There are no other motions
24 currently pending.

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III. SETTLEMENT CONFERENCE

The parties participated in a judicially supervised settlement conference with the Honorable Magistrate Judge Larson on August 28, 2008. The case did not settle. A continued Settlement Conference has been scheduled for October 28, 2008.

DATED: SEPTEMBER 11, 2008

JOHN A. RUSSO, City Attorney
RANDOLPH W. HALL, Assistant City Attorney
JAMES F. HODGKINS, Supervising Trial Attorney
CHARLES E. VOSE, Senior Deputy City Attorney

By: _____ / s /
Attorneys for Defendants
CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT,
CHIEF WAYNE TUCKER, SGT. BERNARD ORTIZ

DATED: SEPTEMBER 11, 2008

JOHN VERBER, ESQ.
JAMES Y. HIGA, ESQ.
BURNHAM BROWN

By: _____ /s/
Attorneys for Defendant
OFFICER RAMON ALCANTAR

DATED: SEPTEMBER 11, 2008

LAW OFFICES OF STEVEN R. JACOBSEN

By: /s/
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BENJAMIN ORTEGA AND MIGUEL ORTEGA